IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FOURTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No. 20779 of 2000

Between:

Smt. B.Dhana Lakshmi,

R/o.Janikipeta, Near Red Bridge,

Amalapuram. **..... PETITIONER**

AND

1.A.P.S.R.T.C. rep.by its Vice-Chairman &

Managing Director, Musheerabad, Hyderabad.

2.A.P.S.R.T.C. rep.by its Regional Manager,

E.G.Region, East Godavari Dist.

3.A.P.S.R.T.C. rep. by its Depot Manager,

Tuni Depot, Tuni, E.G. Dist.

.....RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ of certiorari or other appropriate writ, order or directions, calling for the records in Proceedings dt.10-2-1999 on the file of the 3rd respondent herein as confirmed in Proceedings dt.6-12-1999 by the 2nd respondent and quash the same

with consequential directions to the respondents to reinstate the petitioner in service with all benefits including back wages.

Counsel for the Petitioner: Mr.P.GOVINDA RAJULU

Counsel for the Respondents: Mr.Y.VIVEKANANDA SWAMY,

STANDING COUNSEL FOR

ASPRTC.

The Court made the following :

ORAL ORDER:

The petitioner was selected as Conductor by the respondent – Corporation and was appointed as Conductor Grade-II on daily wage basis in Tuni Depot. Initially the petitioner was not inclined to work on daily wages as her selection was made for regular appointment and she has made a representation to consider her case for appointment as Conductor on regular basis. Her representation for regular appointment was not considered and she was posted at Tuni Depot on daily wage basis. She has reported for duty on 1-5-1998. After working for four months, she absented herself from duties from 11-9-1998 without any intimation and without prior sanction of leave. Therefore, a charge sheet was issued on 5-12-1998. She was advised to report before third respondent for enquiry. Even after acknowledging the notice, she failed to appear before the enquiry officer. Hence, the services of the petitioner were terminated by proceedings dated 10-2-1999.

A perusal of the impugned order dated 10-2-1999 discloses that as the petitioner has not responded to the notice directing her to appear before the enquiry officer, the disciplinary authority came to the conclusion that keeping such irregular and unproductive employee on the rolls of the Corporation is of no avail and her services

are detrimental to the interest of the organization and, therefore, without conducting any enquiry, the petitioner was terminated from service.

Admittedly, the petitioner was terminated from service casting a stigma on her conduct and with that stigma it is not possible for her to seek any employment. This Court in similar circumstances held that whenever an order has been passed terminating the services casting a stigma, the Corporation is under an obligation to conduct enquiry. In this case, as no enquiry has been conducted, I am of the opinion that the impugned order is against the principles of natural justice. If no reply was given to the notice by the petitioner, enquiry ought to have been conducted and mere issuance of show cause notice and non-submission of reply cannot be assumed or presumed that she has accepted the charge made against her.

Accordingly, the impugned order is set aside. The respondents are directed to reinstate the petitioner into service. However, if the respondents choose to conduct an enquiry, it is open to them to do so in accordance with law.

The writ petition is accordingly disposed of. No order as to costs.

24th August, 2004. **(V.ESWARAIAH, J.)**

ARS

To

1. Vice-Chairman & Managing Director, A.P.S.R.T.C., Musheerabad, Hyderabad.

2. Regional Manager, E.G.Region, A.P.S.R.T.C., Rajahmundry, East Godavari Dist.

3. Depot Manager,A.P.S.R.T.C., Tuni Depot, Tuni, E.G. Dist.

4. Two C.D. copies.